

05-25-01

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PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 20678

First Inventor

Sepp Kaul

Title

A Nucleic Acid Which Is Upregulated...

Express Mail Label No.

EL267098948US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 36]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages]
- a. ☐ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
- b. ☐ (for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.:

Prior application information:

Examiner

Group Art Unit.

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

00151

or

☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Robert A. Silverman

Registration No. (Attorney/Agent)

35,682

Signature

Date

05/24/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Hoffmann-La Roche Inc.
340 Kingsland Street
Nutley, NJ 07110
Case Docket 20678
May 24, 2001

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the patent application of

Inventor(s): Sepp Kaul, Josef Preiherr and Ulrich Weidle

For: A NUCLEIC ACID WHICH IS UPREGULATED IN HUMAN TUMOR CELLS,
A PROTEIN ENCODED THEREBY AND A PROCESS FOR TUMOR DIAGNOSIS

Enclosed are:

1. X 2 page(s) of patent application data sheet
2. X 4 sheet(s) of drawing. [] formal [x] informal
3. _____ page(s) of Declaration and Power of Attorney
4. X 10 page(s) of Sequence Listing
5. _____ computer disk(s) containing Sequence Listing
6. _____ Statement under 37 CFR § 1.821 or 37 C.F.R. § 1.825
7. X 23pgs. of specification, 2 pgs. of claims, 1 pg. of abstract
8. _____
9. The fee has been calculated as shown below:

DEPOSIT ACCOUNT
NO. 08-2525
OUR ORDER NO. 3775

CLAIMS				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
TOTAL CLAIMS	2 - 20	0	x \$18	\$0
INDEP. CLAIMS	2 - 3	0	x \$80	\$0
MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270	
BASIC FEE				\$710
TOTAL				<u>\$710.00</u>

10. X Please charge my Deposit Account No. 08-2525 in the amount of \$710.00. This sheet is provided in duplicate.
11. A check in the amount of \$ to cover the filing fee is enclosed.
12. X The Commissioner is hereby authorized to charge payment of the following fees or any additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2525. This sheet is provided in duplicate.

 X Any filing fees required under 37 C.F.R. § 1.16.

 X Any patent application processing fees under 37 C.F.R. § 1.17.

13. Priority - 35 U.S.C. § 119

FOREIGN PRIORITY

[X] Foreign Priority of application(s) number 00110953.7 filed on May 26, 2000 in Europe and application(s) number 00115369.1 filed on July 15, 2000 in Europe are claimed under 35 U.S.C. § 119(a)-(d) or 35 U.S.C. § 365(a)-(b).

[] The certified copy(ies) has(have) been filed in prior U.S. patent application Serial No. on .

[] The certified copy(ies) will follow.

PRIORITY TO PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. § 119(e)

[] Priority of prior provisional application(s) Serial No. filed on is(are) claimed under 35 U.S.C. § 119(e).

[] Amend the specification by inserting, before the first line, the following sentence: -- This application claims priority under 35 U.S.C. § 119(e) of provisional application(s) Serial No. , filed . --

14. RELATION BACK UNDER 35 U.S.C. § 120

(A) [] Amend the specification by inserting, before the first line, the following sentence: -- This is a [] continuation [] divisional of copending application(s) [] Serial No. filed on . --

(B) [] A copy of the oath or declaration from the prior application noted above is enclosed.

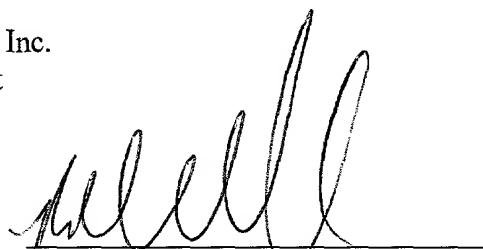
15. ☐ INCORPORATION BY REFERENCE (*USEABLE IF ITEMS 14 (A) AND (B) ARE CHECKED*) AND IF YOU ARE FILING A CONTINUATION OR DIVISIONAL UNDER 37 C.F.R. § 1.53(b). **N.B. MUST INCLUDE COPY OF PRIOR SPECIFICATION**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under 12. (B), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

16. ☐ The power of attorney in prior application is to Practitioners at Customer Number **00151**:
- a. ☐ The power appears in the original papers of the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as associate attorney _____.

17. Continue to address all communications to

George W. Johnston
Hoffmann-La Roche Inc.
340 Kingsland Street
Nutley, NJ 07110



Attorney for Applicant(s)

Robert A. Silverman

(Reg. No. 35,682

Telephone: (973) 235-2863

Telefax: (973) 235-2363

110715

Certification under 37 CFR 1.10

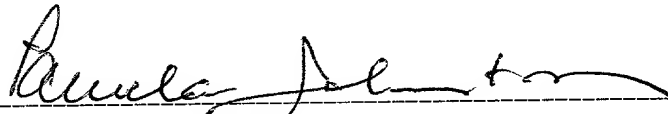
I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number:

EL267098948US

**Commissioner for Patents
Washington, D.C. 20231**

on May 24, 2001

Date


Signature

Pamela Johnston

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.